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Current Class: [REDACTED]
Current Handling: n/a
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Channel: n/a

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ACTION ARA-14

INFO OCT-02 ISO-00 HA-05 H-01 SCS-06 CA-01 L-03 SSO-00
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E.O. 11652: GDS
TAGS: SHUM, AR
SUBJECT: LILIANA VOGLER CASE: RECENT DEVELOPMENTS

REF: STATE 18483

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(☒) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (☒) In Full

() Classify as () Extend as () Downgrade to
Date Declassify on Reason

1. SUMMARY AND INTRODUCTION -----

TWO SERIOUS DEVELOPMENTS HAVE RECENTLY TAKEN PLACE IN MISS VOGLER'S CASE. FIRST, THE CRIMINAL COURT JUDGE PRESIDING IN HER CASE RECOMMENDED 9 YEARS OF IMPRISONMENT. SECONDLY, ACCORDING TO INFORMATION REACHING THE FAMILY INDIRECTLY, LILIANA VOGLER HAS BEEN THREATENED BY CORDOBA PROVINCIAL POLICE OFFICIALS THAT SHE WILL BE RETURNED TO THAT PROVINCE FOR FURTHER "QUESTIONING". MISS VOGLER'S MOTHER, LUZ, HAS FILED A PETITION SEEKING JUDICIAL INTERVENTION TO PROHIBIT HER DAUGHTER'S TRANSFER TO CORDOBA PROVINCE AND HAS REQUESTED THE INTERNATIONAL RED CROSS TO INITIATE AN INQUIRY INTO LILIANA VOGLER'S POSSIBLE TRANSFER. END SUMMARY.

2. EMBASSY OFFICIALS MET WITH LUZ VOGLER AND HER SISTER ON JANUARY 23 AND 24 FOR IN-DEPTH DISCUSSION OF LUZ'S DAUGHTER'S CASE. UNDERSTANDABLY, LILIANA'S RELATIVES HERE ARE GREATLY DISTURBED OVER THE SEVERITY OF THE RECOMMENDED SENTENCE AND BY THE POSSIBILITY THAT LILIANA MIGHT BE RETURNED TO CORDOBA

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PROVINCE FOR QUESTIONING AND POSSIBLE INTERNMENT. ALL FAMILY VISITS TO THE CELL BLOCK AT VILLA DEVOTO PRISON WHERE LILIANA

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VOGLER IS INTERNED HAVE BEEN SUSPENDED UNTIL FEBRUARY 6, 1978, ADDING TO THE ANXIETY.

3. POSSIBLE TRANSFER TO CORDOBA -----

ACCORDING TO GUARDED LETTER FAMILY RECEIVED ON JANUARY 23 FROM LILIANA VOGLER AND SECONDARY INFORMATION FROM VISITORS AT VILLA DEVOTO (INCLUDING A BRITISH EMBASSY OFFICER), LILIANA VOGLER WAS TAKEN ON JANUARY 16 TO THE BUENOS AIRES FEDERAL COURTHOUSE, WHERE SHE EXPECTED TO MEET WITH THE CRIMINAL JUDGE PRESIDING IN HER CASE. INSTEAD SHE WAS INTERVIEWED BY 3 CORDOBA PROVINCIAL POLICEMEN, INCLUDING A MR. GOMEZ WHO WAS RESPONSIBLE FOR HER BEATINGS DURING ORIGINAL INTERROGATION IN RIO CUARTO, CORDOBA PROVINCE, IN JUNE OF 1975. EVIDENTLY MISS VOGLER REFUSED TO ANSWER QUESTIONS POSED BY THE PROVINCIAL POLICEMEN, WHEREUPON THEY INFORMED HER THAT SHE WOULD BE TRANSFERRED TO CORDOBA -- WHERE SHE WOULD ANSWER THESE QUESTIONS "ONE WAY OR ANOTHER."

4. MISS VOGLER IS REPORTED TO BE EXTREMELY FEARFUL OF BEING TRANSFERRED TO CORDOBA AND SHE ASKED HER FELLOW PRISONERS TO PASS THE ABOVE INFORMATION TO THEIR FAMILY MEMBERS. LILIANA WROTE A CRYPTIC LETTER ALONG THE SAME LINES TO HER MOTHER ON JANUARY 18, WHICH WAS RECEIVED ON JANUARY 23. ACCORDING TO REPORTS, LILIANA IS REFUSING TO EXERCISE AND IS CONDUCTING MINIMAL ACTIVITIES TO AVOID ANY PRETEXT FOR DISCIPLINARY ACTION OR RETRIBUTION.

5. CRIMINAL SENTENCE -----

LUZ VOGLER MET IN RIO CUARTO IN MID JANUARY WITH THE PRESIDING JUDGE IN HER DAUGHTER'S CASE, WHO INFORMED HER CONFIDENTIALLY THAT HE WAS "RECOMMENDING" 9 YEARS IMPRISONMENT FOR LILIANA

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FOR THE CRIMES OF ILLICIT ASSOCIATION, POSSESSION OF SUBVERSIVE LITERATURE AND POSSESSION OF EXPLOSIVES. THE CRIMINAL JUDGE STATED THAT HIS DECISION WOULD NOT BE FINAL FOR SOME TIME AS IT HAD TO BE REVIEWED BY A SUPERIOR COURT.

6. IN RESPONSE TO LUZ VOGLER'S INQUIRY, THE JUDGE STATED THAT AN ATTORNEY COULD BE RETAINED BY THE FAMILY TO REPRESENT LILIANA DURING THE APPELLATE PROCEDURES. LUZ VOGLER IS CONCERNED REGARDING FINDING A QUALIFIED ATTORNEY WILLING TO ACCEPT THE CASE, AS THE PREVIOUS LAWYER THE FAMILY RETAINED CLAIMS TO HAVE BEEN THREATENED AND FORCED TO WITHDRAW. LUZ VOGLER WISHES, HOWEVER, TO CHALLENGE THE TRIAL JUDGE'S DECISION,

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WHICH PERMITTED LILIANA VOGLER'S ALLEGEDLY FORCED CONFESSION TO BE INTRODUCED INTO EVIDENCE. A STATE APPOINTED PUBLIC DEFENDER SAID THE CONFESSION WAS THE PRINCIPAL EVIDENCE AGAINST HER. THIS CONFESSION HAD BEEN OBTAINED, ACCORDING TO LUZ VOGLER, AFTER HER DAUGHTER HAD BEEN BEATEN SO SEVERELY THAT SEVERAL RIBS WERE BROKEN. (MRS. VOGLER HAS ON ANOTHER OCCASIONS SAID THAT LILIANA WAS "SUBMARINED" -- HEAD HELD UNDER WATER.)

7. LUZ VOGLER EXPLAINED THAT THE POSSESSION OF EXPLOSIVES CHARGE RESULTED FROM TESTIMONY PROVIDED BY A "MR. GENTILE" THAT LILIANA VOGLER'S BOYFRIEND AND SEVERAL OTHER ACQUAINTANCES WERE IN POSSESSION OF DETONATOR CAPS. LUZ VOGLER CLAIMS HER DAUGHTER WAS NOT INVOLVED.

8. HEALTH AND WELFARE -----

LUZ VOGLER INDICATED IN LATE DECEMBER THAT HER DAUGHTER HAS BEEN SUFFERING FROM SEVERE AND RECURRING NOSEBLEEDS AND THAT HER GENERAL PHYSICAL AND MENTAL CONDITION HAS BEEN WORSENING. THE PROSPECT OF A RETURN TO CORDOBA HAS REPORTEDLY WORSENERED HER MENTAL CONDITION. AS LILIANA VOGLER'S INTERNMENT FOR 8 MONTHS IN LATE 1975 AND EARLY 1976 IN CORDOBA PROVINCE WAS EXTREMELY RIGOROUS, HER MOTHER IS CONCERNED THAT IF SHE IS NOW TRANSFERRED TO CORDOBA HER HEALTH WOULD NOT WITHSTAND THE MUCH MORE SEVERE PRISON REGIME THERE.

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9. EMBASSY ACTIONS -----

EMBASSY HAS REPEATEDLY RAISED LILIANA VOGLER CASE WITH FOREIGN OFFICE OFFICIALS SINCE OUR INITIAL PRESENTATION IN MAY, 1977. THE CASE WAS LAST DISCUSSED BY EMBASSY POLITICAL OFFICER ON DECEMBER 29, 1977 WITH ACTING FOREIGN OFFICE WORKING GROUP ON HUMAN RIGHTS CHIEF, FLORES, WHO OPINED THAT THERE WAS NO ACTION THAT WAS POSSIBLE ON BEHALF OF LILIANA VOGLER AS CASE WAS WITHIN CRIMINAL JUDICIAL SYSTEM. EMBASSY WILL AWAIT RESULTS OF INTERNATIONAL RED CROSS INQUIRY REGARDING LILIANA VOGLER BEFORE MAKING NEW DEMARCHE TO GOA ON THIS MATTER.

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